



THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59 PUBLIC SPACES PROTECTION ORDER

SWINDON COMMERCIAL TOWN CENTRE

Swindon Borough Council (referred to hereafter as 'the authority') hereby makes the following Public Spaces Protection Order that applies to the public space as referred to within the marked boundary in Appendix One:

Restrictions

1. Dogs on leads

Any person in charge of a dog, at any time, must keep the dog on a lead unless subject to exemptions listed in Appendix Two below.

2. Alcohol

Any person is prohibited from, at any time, consuming alcohol or having an open alcohol container, unless subject to exemptions listed in Appendix Two below.

3. Begging

Any person is prohibited from, at any time, placing himself in a position to receive alms for a continuing period.

4. Peddling/Street Trading

Any person is prohibited from, at any time, peddling/trading goods without the written permission of the authority, even if licensed.

5. Marking surfaces/chalking

Any person is prohibited from, at any time, directly marking surfaces such as walls or pavements with paints, chalk or similar without the written permission of the authority.

6. Skateboarding

Any person is prohibited from, at any time, using a skateboard or similar in a way that may damage property or cause nuisance or annoyance.

7. Aggressive Charity Collection

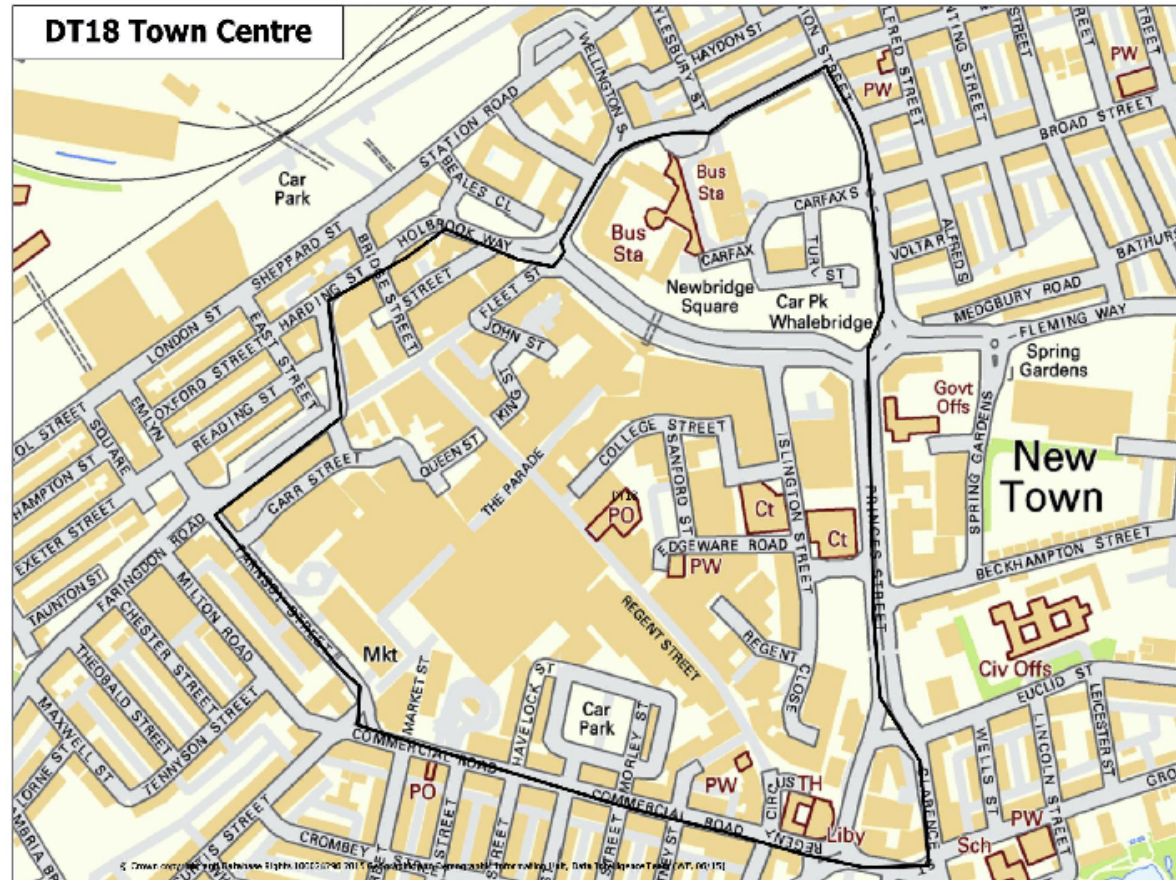
Any person is prohibited from, at any time, on land detailed in Appendix One below, engaging in assertive or aggressive (commercial or charity) collection or soliciting of money.

In issuing the order the authority is satisfied that:

1. (a) The named activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; or

(b) it is likely that the named activities will be carried out in a public place within that area and that they will have such an effect
2. The effect, or likely effect, of the named activities:
 - (a) is, or is likely to be, of a persistent and continuing nature;
 - (b) is, or is likely to be, such as to make the activities unreasonable; and
 - (c) justifies the restrictions imposed by the notice
3. It has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

APPENDIX ONE



APPENDIX TWO

Duration

The Order is in place from **[date to be confirmed after consultation]** for a period of three years (unless extended under s 60(2) of the Act)

Breach

If a person does anything that is lawfully prohibited by the Public Spaces Protect Order (PSPO), or fails to do something lawfully required by the PSPO, he commits an offence unless he has a reasonable excuse.

Where an offence has been committed, the offender may be issued with a Fixed Penalty Notice not exceeding £100. On summary conviction the magistrates' court can impose a fine not exceeding level 3 (currently £1000) on the standard scale.

Where an offence has been committed by not complying with a request to cease drinking or surrender alcohol in the controlled drinking zone, on summary conviction the magistrates' court can impose a fine not exceeding level 2 (currently £500) on the standard scale.

Exemptions

Nothing in Section 1 shall apply to a person who:

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- (c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

Nothing in Section 2 shall apply to:

- (a) Premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol
- (b) Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- (c) A place within the curtilage of premises within paragraph (a) or (b);
- (d) Premises which by virtue of Pt 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;

- (e) A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under s 115 of the Highways Act 1980 (highway-related uses)

A prohibition in the PSPO on consuming alcohol does not apply to council-operated licensed premises:

- (a) When the premises are being used for the supply of alcohol; or
- (b) Within 30 minutes of the end of a period during which the premises have been used for the supply of alcohol.

Anti-social Behaviour, Crime and Policing Act 2014

Prohibition on consuming alcohol

62. Premises etc to which alcohol prohibition does not apply

Dated:

The Common Seal of Swindon Borough Council

was hereunto affixed in the presence of:

[name] (authorised officer)

[position]